

In the United States District Court  
for the Western District of Texas  
San Antonio Division

Estate of Amelia H. Macias, <i>et al</i> ,	§	
Plaintiffs	§	
	§	
v.	§	Civil Action No. 5:20-cv-460
	§	
Texas Dept. of Adult Protective Serv., <i>et al</i> .	§	
Defendants.	§	Jury

**Defendants' Notice of Removal**

Defendants Texas Department of Public Safety, Veronica Gideon, Elias Escalon, Nathan Mutz, and Drew Pilkington file this Notice of Removal of the above styled cause of action.

Defendants Texas Department of Public Safety, Veronica Gideon, Elias Escalon, Nathan Mutz, and Drew Pilkington, remove this case pursuant to 28 U.S.C. § 1441. This case was originally filed in the 407th Judicial District Court of Bexar County, Texas on February 21, 2020, as Cause No. 2020CI03676. Defendant Texas Department of Public Safety was served March 20, 2020. Defendant Gideon was served March 27, 2020. Defendant Escalon was served March 18, 2020. Defendants Mutz and Pilkington were served March 21, 2020. Therefore, this removal is timely.

The address of the 407th Judicial District Court of Bexar County is 100 Dolorosa, San Antonio, Texas 78205.

Plaintiffs brought this civil action in state court against Defendants alleging the violation of denial of the United States Constitution. This Court has original jurisdiction over this lawsuit pursuant to 28 U.S.C. § 1331, as it appears on the face of Plaintiffs' complaint that this cause of action arises under the Constitution and the laws of the United States. Removal is proper under 28 U.S.C. § 1441.

Only Defendants Texas Department of Public Safety, Veronica Gideon, Elias Escalon, Nathan Mutz, and Drew Pilkington have been served properly in this case at this time. This removal is being filed with this Court because it is in the district and division embracing the place where the state action is pending, Bexar County, Texas, as required by 28 U.S.C. § 1441(a). No motions are pending in the state court. Motions to dismiss and answers are being filed with the removal

Plaintiff is being served with copies of all pleadings associated with Defendants Notice of Removal. A copy of this notice of removal will be filed in the 407th Judicial District Court of Bexar County, Texas.

Defendants advise the Court that this removal complies 28 U.S.C. § 1446. In support of this notice of removal, Defendants have attached all State Court filings, including the State Court Docket Sheet and an Index of the Filings as exhibits.

Plaintiffs are represented by Okwudili Onyekwelu, Texas Bar No. 24110867 and Damion Millington, Texas Bar No. 24111178, both at The Lewis Group, P.O. Box 27353, Houston, Texas 77227, ph. 713-570-6555, fax 713-581-1017, [oonyekwelu@thelewislaw.com](mailto:oonyekwelu@thelewislaw.com) and [dmillington@thelewislaw.com](mailto:dmillington@thelewislaw.com)

Defendants Texas Department of Public Safety, Veronica Gideon, Elias Escalon, Nathan Mutz, and Drew Pilkington are represented by Seth Byron Dennis, Assistant Attorney General, Texas Bar No. 00790580, and Briana Webb, Texas Bar No. 24077883, both at P.O. Box 12548, Austin, Texas, 78711, ph. 512-463-2080, fax 512-495-9139, [Seth.Dennis@oag.texas.gov](mailto:Seth.Dennis@oag.texas.gov) and [Briana.Webb@oag.texas.gov](mailto:Briana.Webb@oag.texas.gov)

Defendants respectfully pray that this cause be removed to the United States District Court for the Western District of Texas, San Antonio Division, pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

DARREN L. MCCARTY  
Deputy Attorney General for Civil  
Litigation

SHANNA E. MOLINARE  
Chief, Law Enforcement Defense Division

/s/ Seth Byron Dennis  
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(512) 463-2080 / Fax No. (512) 370-9814

**Attorneys for the Defendants**

**Notice of Electronic Filing**

I, Seth Byron Dennis, Assistant General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing **Defendants' Notice of Removal** in accordance with the Electronic Case Files System of the Western District of Texas, on this the 13th day of April, 2020.

/s/ Seth Byron Dennis  
SETH BYRON DENNIS  
Assistant Attorney General

**Certificate of Service**

I, Seth Byron Dennis, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendants' Notice of Removal** has been served by email on this 13th day of April, 2020, addressed to Plaintiffs' Counsel Okwudili Onyekwelu at [oonyekwelu@thelewislaw.com](mailto:oonyekwelu@thelewislaw.com) and Damion Millington at [dmillington@thelewislaw.com](mailto:dmillington@thelewislaw.com)

/s/ Seth Byron Dennis  
SETH BYRON DENNIS  
Assistant Attorney General

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**Exhibit 1: All State Court Filings, Docket Sheet and Index of Filings**

-Plaintiffs' Original Petition

-Citations

-Returns of Service

-Notice of Removal

-State Court Docket Sheet